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**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION**

CALIFORNIA COALITION FOR WOMEN
PRISONERS; et. al.,

Plaintiffs

v.

UNITED STATES OF AMERICA FEDERAL
BUREAU OF PRISONS, a governmental entity;
et. al.,

Defendants.

CASE NO. 4:23-CV-04155-YGR

**UNITED STATES' ADMINISTRATIVE
MOTION TO FILE UNDER SEAL**

Pursuant to Civil Local Rules 79-5 of the United States District Court for the Northern District of California, the United States of America files this motion requesting that it be permitted to file its Objections to the Special Master's Report and related exhibits under seal at this juncture because the report itself is under seal. These documents are subject to the protective order (doc. 127) and when disclosed to Plaintiffs are designated as "CONFIDENTIAL." (*Id.* at 2, section 2.2.)

Good cause exists for this request. As grounds for this administrative motion, the United States has satisfied Civil Local Rule 7-10, which requires:

(1) a specific statement of the applicable legal standard and the reasons for keeping a document under seal, including an explanation of: (i) the legitimate private or

1 public interests that warrant sealing; (ii) the injury that will result if sealing is denied; and
 2 (iii) why a less restrictive alternative to sealing is not sufficient;

3 (2) evidentiary support from declarations where necessary; and

4 (3) a proposed order that is narrowly tailored to seal only the sealable material,
 5 and which lists in table format each document or portion thereof that is sought to be
 6 sealed. Civil Local Rule 7-10(c).

7 The Privacy Act prohibits an agency from “disclos[ing] any record which is contained in
 8 a system of records by any means of communication to any person, or to another agency, except
 9 pursuant to a written request by, or with the prior written consent of, the individual to whom the
 10 record pertains.” 5 U.S.C. § 552a(b). A record, in turn, is defined as “any item, collection, or
 11 grouping of information about an individual that is maintained by an agency, including, but not
 12 limited to, his . . . medical history, and criminal or employment history and that contains his
 13 name, or the identifying number, symbol, or other identifying particular assigned to the
 14 individual.” The medical and employment information of individuals referenced in these filings,
 15 both adults in custody (AIC) and Bureau of Prisons (BOP) employees, are such records not
 16 subject to disclosure. Former FCI Dublin Warden Art Dulgov also recognized in a prior
 17 declaration that it is important to keep medical records, AIC’s identities, and private information
 18 about AICs out of the public record, as they have privacy rights to such information. Dkt. 161, ¶¶
 6, 8, 17.

19 The United States does not have the written consent of these AICs or employees to
 20 disclose their health or employment information to the public, and the only way it may disclose
 21 such information is through a court order. 5 U.S.C. § 552a(b)(11). Sealing the documents
 22 containing private information of individuals is the narrowest way to protect such information .

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Therefore, the United States requests that the Court enter an order under Civil Local Rule 79-5 to place the following documents filed June 26, 2024 under seal:

Document and Portion of Document to be Sealed	Evidence in Support of Sealing	Ruling
U.S. Objections to Special Master's Report	Privacy Act, 5 U.S.C. § 552a Dkt. 161, ¶¶ 6, 8, 17	
Exhibits 2–7	Privacy Act, 5 U.S.C. § 552a Dkt. 161, ¶¶ 6, 8, 17	

WHEREFORE, the United States respectfully requests that the Court grant this Administrative Motion and enter the attached proposed order sealing the United States' documents.

DATED this 26th day of June, 2024.

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